



NAMBUCCA VALLEY COUNCIL SICK LEAVE POLICY POLICY NO G 27

Our Vision

Nambucca Valley ~ Living at its best

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

1.0 Policy objective

The aim of this policy is to explain employees' entitlements and obligations in relation to Sick Leave.

2.0 Related legislation

Local Government (State) Award (2020)
Industrial Relations Act 1996 (NSW)

3.0 Related documents

Statutory declaration for sick leave (20680/2020)

4.0 Definitions

Not applicable

5.0 Policy statement

5.1 Applicability

This policy applies to all employees except casuals.

5.2 Sick leave entitlements

Council provides sick leave in accordance with the Award.

Employees receive an entitlement of three weeks sick leave immediately on appointment and another three weeks on each successive anniversary of service.

An employee covered by the Award who is employed on a fixed-term basis or temporary basis of less than twelve (12) months duration shall be entitled to one (1) weeks sick leave on commencement of their employment with the Council and a further one (1) weeks sick leave after each four (4) months of continuous service thereafter.

Sick leave accumulates from year to year.

Council has the discretion to grant an employee sick leave at half pay if satisfied that extenuating circumstances exist. Where a public holiday falls during a period of sick leave at half pay, the public holiday shall also be paid at half pay. All entitlements during a period of sick leave at half pay, shall accrue on a proportionate basis.

5.3 Taking paid sick leave - notification

In order to access an entitlement to sick leave, the employee:

- is required to notify Council as soon as practicable of their inability to attend for duty, prior to taking sick leave;
- should inform Council of the type of absence, the estimated duration and, as far as practicable, details of the reasons for the absence; and
- shall notify Council by phoning their Supervisor and, if unsuccessful in making direct contact, leave a suitable message. Wherever possible this should occur prior to shift commencement.

5.4 Taking paid sick leave – application

An application for sick leave must be submitted by the employee immediately upon their return to work.

5.5 Taking paid sick leave – proof

Subclause 22A, Sick Leave, of the Award says that the entitlement to sick leave is subject to the employer being satisfied that the illness or injury is such as to justify the time off.

Council requires proof of illness or injury to accompany an application for sick leave:

- where the absence exceeds two working days, or
- after three separate periods of absence in each service year
- where it is reasonable to require proof and Council has provided the employee with prior written notice of the requirement to provide proof.

Where proof of illness or injury is required, it must be reasonable having regard to the circumstances of the employee and the employer. Proof may include:

- a certificate from a registered medical practitioner which gives date(s) of consultation, evidence of incapacity to undertake normal duties and period(s) of incapacity; or
- a certificate from a qualified health practitioner, registered with the appropriate government authority, which gives date(s) of consultation, evidence of incapacity to undertake normal duties and period(s) of incapacity; or
- a duly completed statutory declaration which gives details of date(s) of illness or injury, date(s) of incapacity for work, reasons for inability to report for duty and reasons for not attending a registered practitioner; or
- a supporting statement by the immediate supervisor or manager if the employee is unable to provide evidence or if there exists obvious physical evidence of illness or injury.

When considering whether proof is required, and what form that proof should take, it may be appropriate for the employer to take into account:

- whether the illness or injury is known or obvious;
- the employee's sick leave use, and the timing of the absence, for example whether it is continuous with other leave;
- the nature of the illness or injury;
- factors impacting on the practicality of providing a medical certificate, such as the availability of medical/health practitioners, particularly in rural and regional locations;
- the length of the absence.

5.6 Taking paid sick leave to attend medical appointments

Employees may take sick leave to attend medical appointments.

The amount of leave granted shall be the time taken at the appointment plus reasonable travel to and from the appointment.

Proof is required for all applications. This may include a medical certificate or other record of attendance at the appointment.

5.7 Taking paid sick leave to attend funerals

Employees may take sick leave to attend funerals where there is no entitlement to bereavement leave.

Proof is required for all applications; for example, a copy of the funeral notice.

5.8 Payment for sick leave

Paid sick leave for employees (other than casuals) will be paid at the employee's ordinary rate of pay. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

5.9 Payment for sick leave on termination

5.9.1 Employees who commenced prior to 19 October 1995

Employees who commenced employment with Nambucca Valley Council prior to 19 October 1995 shall be entitled to payment on termination of 35% of the value of untaken sick leave, graduating from this length of service through to a maximum of 75% at 25 years' plus of service. Annual increments are 2%.

5.9.2 Employees who commenced on or after 19 October 1995

Any accrued but untaken sick leave will **not** be paid out on termination of employment.

5.10 Applications for leave

Any employee who requests leave of a type specified by this Policy should submit a Leave Application and comply with the other relevant notice and documentation requirements outlined in this Policy.

5.11 Inappropriate and/or excessive usage

Council may discuss issues of excessive absenteeism with employees who have exhausted their sick leave entitlement, or where the employee has misused the entitlement.

For the purposes of managing absenteeism, Council may also monitor patterned behaviour, for example repeatedly calling in sick before or after a rostered day off, or before or after a period of planned leave. In the circumstances identified, it may be reasonable for Council to request a medical certificate in support of the employee's request for leave.

5.12 Addressing absenteeism

Council may review employee attendance records on a regular basis, to determine those employees whose attendance record is approaching an unacceptable level.

Where an employee's attendance record is identified as approaching unacceptable, the employee will be notified.

5.13 Return to work from serious illness or injury

Where an employee has been on leave due to a serious injury or illness (unrelated to work), Council may require that, after a medical clearance is obtained from the treating doctor and prior to returning to work, a Fitness for Duty assessment is undertaken by an independent medical specialist. (eg occupational physician).

A Fitness for Duty assessment can provide advice that helps both Council and the employee deal with any potential medical issues that may affect the employee's ability to work in a safe and productive manner. The information provided can help Council identify what reasonable accommodations can be made to support an employee's ability to perform the inherent requirements of their role. In addition, the medical guidance offered could make a difference on how effectively and efficiently the employee's recovery and return to duties can be achieved.

6.0 Variations

Council reserves the right to vary, replace or terminate this policy from time to time.

7.0 History

Department:	Governance	Last Reviewed	Resolution Number
Policy Category	Organisation	29/10/2013	
Endorsed By:	MANEX A	29/07/2020 MANEX A	
Approval Authority	General Manager	21/08/2020	
Policy Owner	MHR		
Contact Officer	MHR		
Document No.	23011/2007		
First Adopted	01/06/2000		
Resolution No:	020		
Review Date:	29/07/2022		

Policy G28 Payment for Untaken Sick Leave:

Department:	Governance	Reviewed	Resolution No.
Policy Category	Organisation	15 September 1983	
Endorsed By:	General Manager	19 April 1990	
Approval Authority	General Manager	19 October 1995	
Policy Owner	Manager Human Resources	2 November 1995	
Contact Officer	Manager Human Resources	9 March 1998	
Document No.	23035/2007	20 February 2006	

First Adopted	16 November 1978	29 April 2009	
Resolution No:		11 October 2019	
Review Date:	11 October 2021	29/07/2020 MANEX A – policy deleted and amalgamated into Policy G 32 Sick Leave	

Statutory Declaration
OATHS ACT 1900 (NSW), EIGHTH SCHEDULE

SICK LEAVE

Where this statutory declaration is used as a standard of evidence for sick leave, the applicant must include the following information:

- 1 Date(s) for which the sick leave is applied
- 2 Details of the illness or injury
- 3 Reasons for not attending a medical practitioner

I,, do solemnly and sincerely declare under Schedule 8 of the *Oaths Act 1900 (NSW)* that:

I was unable to attend work from to due to
..... (insert details of the illness/injury you were suffering from)

I did not attend a medical practitioner because:
.....

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1900*.

Subscribed and declared at:	}	
.....	}	
in the State of New South Wales	}
this	}	Signature of Deponent
day of 20.....	}	

Before me:

Also I declare:

I
(full name of JP)

a JP for NSW (JP Reg No) certify:

.....

Justice of the Peace

1 I saw the face of the declarant/deponent

2 I have known the person for at least 12 months

Manager

Before approving the application for leave, please sight and sign this statutory declaration.

Signature: Date: